

TOWN OF CLARENCE
SUBDIVISION REGULATIONS

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- § 1. Authority.
- § 2. Definitions.
- § 3. Procedure.
 - A. Application.
 - B. Procedure for approval of development layout.
 - C. Procedure for approval of final subdivision plat.
- § 4. Design standards.
 - A. Streets.
 - B. Alleys.
 - C. Easements.
 - D. Blocks.
 - E. Lots.
 - F. Public sites and open spaces.
 - G. Beautification; tree planting.
- § 5. Required improvements.
 - A. Monuments, lot corner markers and bench marks.
 - B. Utility and street improvements.
 - C. Schedules of required utilities and street improvements.
- § 6. Requirements for development and final approval.
 - A. Development layout (approval).
 - B. Final subdivision plat (final approval).

CLARENCE CODE

§ 7. Variances.

- A. Hardship.
- B. Large-scale development.
- C. Open development areas.
- D. Conditions.
- E. Four lots on existing street.
- F. Unrecorded subdivision plat lots.

[HISTORY: Adopted Clarence Town Board 8-21-54;
revised 2-26-59, 2-20-63 and 12-1-66.]

FOREWORD

These regulations state the basic requirements to which the Town Board and the Planning Board will adhere for the subdivision of land and the creation of new roads, subject to modifications as circumstances may require. The regulations are specific and detailed, so as to assist the developer in presenting his development and final plans in a form which may be constructively discussed, pending final approval and recording.

By the following of the rules and suggestions, much time and effort may be saved by the subdivider, and the land will be developed in accordance with the best interests of the community. The Planning Board desires to cooperate in furthering legitimate beneficial development and will welcome the opportunity to confer with the developer to that end.

**REQUIREMENTS FOR THE APPROVAL OF
SUBDIVISION PLANS**

Town of Clarence, State of New York

§ 1. Authority.

By the authority of the resolution adopted by the Town Board on the 12th day of August 1954, pursuant to the provisions of Section 274 of Article 16 of the Town Law, the Planning Board of the Town of Clarence is directed to study each plat for land subdivision within the town and to recommend approval, with modifications, or disapproval, in accordance with the procedure and standards adopted by the Planning Board and approved by the Town Board, pursuant to Section 272 of the Town Law, and hereinafter stated. Such recommendation must be transmitted to the Town Board within sixty (60) days after the plat has been submitted for approval. The Town Board will not act upon the proposed subdivision until the Planning Board has reported or sixty (60) days have elapsed.

§ 2. Definitions.

For the purpose of these regulations, which shall be known and may be cited as "Clarence Subdivision Regulations," certain words used herein are defined as follows:

BOARD — Means the duly established Town Board of the Town of Clarence.

ENGINEER — Means the duly designated Engineer of the Town of Clarence, or, if there is no such official, the Planning Consultant or Engineer employed by or assigned to the Town Planning Board, or Engineer or Chairman of the Board designated to act upon subdivision approval by the Town Board.

MASTER PLAN — Means a comprehensive plan prepared by the Planning Board pursuant to Section 272-a of the Town Law which indicates the general locations recommended for the various functional classes of public works, places and structures, and for the general physical development of the Town of Clarence, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

OFFICIAL MAP — Means the map established by the Town Board under Section 270 of the Town Law showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of Subdivision Plats by the Town Board and the subsequent filing of such approved Plats.

PLAT — Means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Town Board for approval, and which, if approved, will be submitted to the County Clerk for recording.*

DEVELOPMENT LAYOUT — Means the development drawings indicating the proposed layout of the subdivision to be submitted to the Town Board for consideration.

STREET — Means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place, or however otherwise designated.

A. ARTERIAL STREETS and highways are those used primarily for fast or heavy traffic.

* State law specifies five (5) copies shall be printed on linen or canvas-backed paper drawn with pen and India ink upon tracing cloth, and must be either eight and one-half by eleven (8½ x 11) inches, seventeen by twenty-two (17 x 22) inches, twenty-two by thirty-four (22 x 34) inches or thirty-four by forty-four (34 x 44) inches in size.

- B. COLLECTOR STREETS are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and principal streets for circulation within such development.
- C. MINOR STREETS are those which are used primarily for access to the abutting properties.
- D. MARGINAL ACCESS streets are minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.
- E. ALLEYS are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

SUBDIVISION — Means the original division or the alteration of a prior division or any parcel of land into lots, plots, blocks or sites, with or without streets, for the purpose of offering such lots, plots, blocks or sites for sale to the public.

§ 3. Procedure.

It is suggested that step-by-step procedure be followed as outlined in the Guide for Subdividers, approved by the Clarence Planning Board on March 1, 1960, or subsequent revisions of this Guide.

A. Application.

- (1) Whenever the subdivision of land is proposed, and before any contract for the sale of such subdivision or any part thereof is made, the subdividing owner

or his agent shall apply in writing to the Planning Board and the Town Board for approval of such subdivision. He shall first file with the Secretary to the Planning Board (Zoning Officer) a Development Layout and subsequently a formal plat as hereinafter specified. (Note: Previous to the filing of the Development Layout, the subdivider may submit general site information, a location map and a sketch plan with a request for informal consideration and advice. This step does not require formal application, fee or the filing of a plat.)

- (2) Advice to subdivider. Before making application to the Board for approval of a subdivision, the subdivider presumably will consult with other parties potentially interested in the development, such as lending and mortgage insurance institutions, with a view to reaching firm conclusions regarding what part of the market demand should be served, the suitability of the proposed location, and the most advantageous subdivision plan. The subdivider is advised to engage a land-planning specialist qualified to help him resolve the major factors into a workable and profitable subdivision plan. Inasmuch as the approval of the Erie County Health Department is required for any subdivision containing five (5) or more lots, early consultation with the agency is advisable.

B. Procedure for approval of development layout.

- (1) Subdivider. On reaching conclusions regarding his general program and objectives, the subdivider shall submit a Development Layout, together with other supplementary material as specified in § 6. Five (5) copies of the Development Layout and required supplementary material shall be submitted to the Secretary to the Planning Board (Zoning Officer) with written application for development plan approval.

- (2) Planning Board. Following review of the Development Layout and other material submitted therewith, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him in accordance with the requirements of § 5, the Planning Board shall act thereon as submitted, or as modified. If the Development Layout is satisfactory, the Planning Board shall recommend "approval" and state the specific conditions of such approval, if any. If the development layout is unsatisfactory, the Planning Board shall state the reasons for its disapproval.
- (3) Planning Board — Town Board. The action of the Planning Board shall be noted in the application form for approval of development plan. These copies shall be forwarded to the Town Board for approval or modifications. Any modification shall be noted. One (1) copy of application form and development plan shall be returned to the subdivider, and the others retained by the Board. Approval of a development layout shall not constitute approval of the subdivision plat. Rather, it shall be deemed an expression of approval to the layout submitted in preliminary form as a guide to the preparation of the final subdivision plat, which will be submitted for approval of Planning Board and the Town Board for recording upon fulfillment of requirements of these regulations and the conditions of the development approval, if any (e.g., approval by County Health Department).

C. Procedure for approval of final subdivision plat.

- (1) Final plat. The final subdivision plat shall conform to the Development Layout. If desired by the subdivider, it may constitute only that portion of the approved development layout which he proposes to

record and develop at the time, provided that such portion conforms to all requirements of these regulations.

- (2) Application. Application for approval of the final Subdivision Plat shall be submitted in writing to the Secretary of the Planning Board (Zoning Officer), and shall include five (5) copies of the final plat and other exhibits required for approval as specified in § 6. The Secretary to the Planning Board (Zoning Officer) will refer it to the Planning Board. The application shall be submitted within six (6) months after approval of the Development Layout; otherwise such preliminary approval shall become null and void unless an extension is applied for and granted by the Board.
- (3) Planning Board. Within sixty (60) days after the application for approval of the final plat is filed, the Planning Board will forward the plat to the Town Board with recommendations to approve, modify and approve, or disapprove such plat. Approval, however, shall not be deemed final until the subdivider has complied with the provisions of § 6 with respect to certification that required improvements have been completed or satisfactory bond or certified check has been posted in lieu thereof.
- (4) Offers of cession. The subdivider will be required to tender offers of cession in a form certified as satisfactory by the Town Attorney of all sewers, drains, water lines and all land included in streets, parks or other public areas not specifically reserved by him.
- (5) Town Clerk. After the completion of the foregoing details and notation to that effect upon the application, the final plat shall be signed by the Town Clerk,

and shall be deemed to have final approval. Within ninety (90) days thereafter the developer must file the Plat with the County Clerk or Registrar; otherwise such approval will expire.

- (6) County Clerk. After such final plat is filed with the County Clerk, the lot, plots, blocks or sites thereon may be offered for sale.

§ 4. Design standards.

A. Streets.

- (1) Arrangement. The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan and to the Official Map, if any, and shall be considered in their relation to other existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to other proposed uses of land to be served and/or abutted by such streets.
- (2) Continuity. Where such is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:
 - (a) Provide for continuation of appropriate projection of existing principal streets in surrounding areas; or
 - (b) Conform to a plan for the neighborhood approved or adopted by the Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- (3) Minor streets. Minor streets shall be so laid out that their use by through traffic will be discouraged.

- (4) Arterial streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal-access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (5) Adjacent railroad. Where a subdivision borders on or contains a railroad right-of-way, the Board may require a street approximately parallel to and each side of such right-of-way, at a distance suitable for the appropriate use of intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (6) Reserve strips. Reserve strips controlling access to streets, water plants or sewage-treatment plants, or to other land dedicated or to be dedicated to public use, shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Board.
- (7) Jogs. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be avoided.
- (8) Tangent. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- (9) Deflect. When connecting street lines deflect from each other at any one (1) point by more than ten degrees (10°), they shall be connected by a curve

with a radius at the inner street line of not less than two hundred fifty (250) feet for minor or collector streets, and of such greater radii as the Board shall determine for special cases.

- (10) Intersect. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than seventy-five degrees (75°). Any change in street alignment to meet this requirement shall occur at least one hundred (100) feet from the intersection.
- (11) Proposed line radii. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or with a greater radius where the Board may deem it necessary. The Board may permit comparable cutoffs or chords in place of rounded corners.
- (12) Curb radii. Curb radii at intersections shall be not less than twenty (20) feet.
- (13) Right-of-way widths. Street right-of-way widths shall be as shown in the Master Plan and where not shown therein shall be not less than as follows:

Street Type	Right-of-Way Width in Feet
Arterial	80 — 120*
Collector	60 — 80
Minor	60 — 70
Marginal access	40 — 60

- (14) Half streets: Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Board finds it will be practicable to require the dedication of the other

* Not including right-of-way for marginal access streets, if any.

- half ($\frac{1}{2}$) when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half ($\frac{1}{2}$) of the street shall be platted within such tract.
- (15) Dead-end. Dead-end streets, designed to be permanently dead-ended, shall be no longer than four hundred (400) feet in general and no more than five hundred (500) feet in any case, and shall be provided at the closed end with a turnaround conforming to the Specifications for Roadway Construction adopted by the Town Board in May, 1961, or subsequent revision of said specifications.
- (16) Names. No street names shall be used which will duplicate or likely be confused with the names of existing streets. Street names shall be subject to the approval of the Board.
- (17) Grades. Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves and with not less than two hundred (200) feet between changes of grade:
- | Street Type | Maximum % Grade |
|-----------------------|-----------------|
| Arterial | 4 |
| Collector | 6 |
| Minor | 8 |
| Marginal access | 8 |
- (18) Drainage. In order to facilitate drainage, no street grade shall be less than five-tenths percent (0.5%). This requirement may be reduced to three-tenths percent (0.3%) if there are street curbs or if pavement wearing surface is smooth-finished.

B. Alleys.

- (1) Purpose. In commercial and industrial districts, definite and assured provision shall be made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Alleys may be permitted where other methods are not feasible.
- (2) Width. The width of an alley, if permitted, shall be not less than twenty-four (24) feet.
- (3) Intersections. Alley intersections and sharp changes in alignment shall be avoided, but where necessary shall be provided with sufficient corner cutoffs to permit safe vehicular movement.
- (4) Dead-end. Dead-end alleys shall be avoided where possible, but if unavoidable shall be provided with adequate turnaround facilities at the dead end, as determined by the Board.

C. Easements.

- (1) Width. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twelve (12) feet wide.
- (2) Drainage. Where a subdivision is traversed by a watercourse, a drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourses, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

D. Blocks.

- (1) Design. The lengths, widths and shapes of blocks shall be determined with due regard to:

- (a) Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) Needs for convenient access, circulation, control and safety to street traffic.
 - (d) Limitations and opportunities of topography.
- (2) Lengths. Block lengths generally shall not exceed one thousand six hundred (1,600) feet, or be less than four hundred (400) feet.
- (3) Intersections. Intersections with arterial streets should be held to a minimum and preferably spaced at least one thousand (1,000) feet apart.
- (4) Crosswalks. Pedestrian crosswalks (rights-of-way), not less than ten (10) feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

E. Lots.

- (1) Design. The lot size, width, depth, shape and orientation, and the minimum building setback lines, shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of the Zoning Ordinance and to the following standards:
- (a) Typical residential lots in any subdivision not served by a public sewer shall be one hundred (100) feet or more in width at the building setback line, and shall contain fifteen thousand (15,000) square feet of usable area or more. The term "usable area" as used herein includes the

general area of the lot or plot which may be utilized for the proposed construction and for the type of occupancy proposed, exclusive of lakes, streams, ponds and swamps.

- (b) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (2) Flooding. Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase the danger to life or property or aggravate the flood hazard.
- (3) Corner lots. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets. In no case shall corner lots be less in frontage than is permitted by the Clarence Zoning Ordinance.
- (4) Frontage. The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- (5) Double frontage. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting-screen easement at least ten (10) feet wide, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- (6) Side lines. Side lot lines shall be subsequently at right angles or radial to street lines.

- (7) Large parcels. In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.

F. Public sites and open spaces.

- (1) Subdivisions. Plat shall show park or parks for playground or other recreational purposes with offer to dedicate to Town. Recreational area shall have a minimum access of ten (10) feet to a public street and be graded and seeded by the developer to the satisfaction of the Town Board. Size of recreation area shall be approximately eight percent (8%) of total area of proposed subdivision. Location shall be subject to the Planning Board's recommendation and Town Board approval and be such that it can be tied with future development of the area so that one (1) large recreation area can be created as the whole block or section is developed. In lieu of the foregoing recreational requirement due to size, location and other conditions making the recreational area impractical in the opinion of the Planning Board, the Planning Board with the Town Board's approval may require a payment to the town of an amount to be determined by the Town Board as set forth in Town Law, Section 277. Where a proposed park, playground, or other public use shown in a Master Plan is located in whole or in part in a subdivision, the Board may require the dedication or reservation of such area within the subdivision in these cases in which the Board deems such requirements to be reasonable.
- (2) Large-scale developments. Where deemed essential by the Board, upon consideration of the particular

type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Master Plan, the Board may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks, water plants, sewage-treatment plants and other community purposes.

G. Beautification; tree planting.

- (1) Street right-of-way. The subdivider may select the species of tree for each new street in the subdivision from the Master Tree Plan Tree Key, that has been adopted by the Town Board, with the approval of the Town Board to be planted in the street right-of-way by the Town as per Tree Standards for the Town of Clarence.

§ 5. Required improvements.

A. Monuments, lot corner markers and bench marks.

- (1) Monuments. Monuments shall be placed as required by the Monument Standards for the Town of Clarence. Monuments and markers shall be of such material, size and length as may be required by the Monument Standards for the Town of Clarence.
- (2) Bench mark. A permanent bench mark shall be established and tied to the elevations shown on all plans. This may be established for the invert of a culvert or sewer, a rock outcrop or other point satisfactory to the Engineer.

B. Utility and street improvements.

- (1) Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the following schedules.
- (2) Standards. The standards and specifications for each general type of development shall be as follows:
 - (a) For apartment, row house and other residential types other than one-family detached dwellings, improvements to be in accord with Standard A.
 - (b) For one-family detached dwellings (subdivisions) with typical lot widths of one hundred (100) feet or less, improvements to be in accord with Standard B.
 - (c) For country homes with typical lot widths of one hundred (100) feet or more, improvements to be in accord with Standard C.
 - (d) For commercial, industrial and other types, as determined by the Board with the advice of the Engineer.

C. Schedules of required utilities and street improvements.**STANDARDS****A B C**

- (1) Public water per plans approved by Engineer and
x x x County Health Department. (x)
- (2) Public sewer per plans approved by Engineer and
x x County Health Department.
- (3) Arterial streets: Cross sections in accordance with
x x x Master Plan and as determined by Engineer and the
Planning Board.

STANDARDS

A B C

- (4) Collector streets:
 - x (a) 70 ft. r. o. w., 28 ft. pavement, 4 ft. sidewalk.*
 - x x (b) 70 ft. r. o. w., 28 ft. pavement.*
- (5) Minor streets:
 - x (a) 70 ft. r. o. w., 28 ft. pavement, 4 ft. sidewalk.*
 - x (b) 70 ft. r. o. w., 28 ft. pavement.*
 - x (c) 60 ft. r. o. w., 28 ft. pavement.*
- (6) Marginal-access streets (1-way traffic, 1-side parking):
 - x (a) 40 ft. r. o. w., 20 ft. pavement, 4 ft. sidewalk.*
 - x x (b) 40 ft. r. o. w., 20 ft. pavement.
- (7) Streets along development boundaries, and streets connecting developments with existing improved street system, cross-sections as determined by Engineer and Planning Board.
 - x x x
- (8) Alleys: Paved full width per plans and specifications approved by Engineer.
 - x x x
- (9) Grading and center-line gradients: Per plans and profiles approved by Engineer.
 - x x x
- (10) Storm-sewer system and other drainage improvements: Per plans approved by Engineer and County Health Department.
 - x x x
- (11) Curb: Per plans and specifications approved by Engineer.
 - x x
- (12) Curb and gutter: (Alternative to item 11), per plans and specifications approved by Engineer.
 - x x
- (13) Valley gutter or approved ditch: Per plans and specifications approved by Engineer.
 - x

STANDARDS**A B C**

(14), (15) and (16) deleted. See Specifications for "Roadway Construction."

x x x (17) Driveways (where a public r. o. w.): Per plans and specifications approved by Engineer.

x x x (18) Sidewalks (where required): Per plans and specifications approved by Engineer.

x x x (19) Street lighting: Make provisions for street lights in accordance with a plan approved by the Engineer.

§ 6. Requirements for development and final approval.**A. Development layout (approval).**

(1) Existing conditions data shall include the following, except when otherwise specified by the Board:

(a) Key plan showing location (including name of town or towns) and boundaries of tract.

(b) Property lines and easements: Location, width and purpose of (easements), existing platting (if this is resubdividing project).

(c) Streets on and adjacent to the tract (including all streets in the Official Map): Name and right-of-way width and location; type, width and elevation of surfacing; and legally established center-line elevations; walks, curbs, bridges, culverts, etc.

(x) Public water shall be required for subdivisions lying within existing water districts.

* See specifications for "Roadway Construction" identified by Job No. 17310 for details, approved 2-15-61 with all revisions.

- (d) Utilities on and adjacent to the tract: Location, size and invert elevation of sanitary, storm and combined sewers, culverts, ditches or other facilities for drainage; location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and the size of nearest ones, showing invert elevation of sewers or culverts. Where drainage is to be a natural watercourse, lake, swamp, sink or roadside or drainage ditch, the elevation of water in such watercourse or ditch at recognized flood stage shall be shown.
- (e) Ground elevations on the tract, based on a datum plane approved by the Engineer (U.S.C.G. recommended): For land that slopes less than approximately two percent (2%), show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than approximately two percent (2%), either shows contours with an interval of not more than five (5) feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two (2) feet, if necessary, because of irregular land or need for more detailed data for preparing plans and construction drawings.
- (f) Subsurface conditions on the tract, if required by the Board; location and results of tests made to ascertain subsurface soil, rock and ground-water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; loca-

tion and results of soil percolation tests if individual sewage-disposal systems are proposed.

- (g) Other conditions on the tract: Watercourses, marshes, rock outcrop, wooded areas, isolated preservable trees, houses, other buildings and other significant features.
- (h) Other conditions on adjacent land: Approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to Subdivision plat by name, date or recording, and number and show approximate percent built-up, typical lot size and dwelling type.
- (i) Photographs, if required by the Board, camera locations, directions of view and key numbers.
- (j) Zoning on and adjacent to the tract.
- (k) Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
- (l) Land title and survey: Deed description according to official records; names and addresses or record owners; map of survey of tract boundary (including all pertinent bearings and distances) made and certified by a registered land surveyor, tied into established town reference points and where possible related to the state system of plane coordinates established by Chapter 545 of the Laws of 1938; notations stating acreage, scale, north point, datum bench marks and date of survey.

- (m) Development plans shall include a plan for adequate street lighting on all public streets. The plan shall show the size and type of pole proposed, the exact location of each pole, and the route over which said poles may be served from existing or proposed power lines. The subdivider may work out alternate methods of serving the street lights from underground conduits provided no cost other than those for overhead lighting shall be borne by the Town.
- (2) Development plan [five (5) copies] shall be at a scale of one hundred (100) feet to the inch. It shall show or be accompanied by existing conditions data required above in A-1 and shall show all proposals including the following:
 - (a) Streets, names; right-of-way and roadway widths; approximate grade and gradients; similar data for alleys, if any.
 - (b) Other rights-of-way or easements, location, width and purpose.
 - (c) Location of utilities, if not shown on other exhibits.
 - (d) Lot lines and lot numbers.
 - (e) Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses, exclusive of single-family dwellings.
 - (f) Building setback lines.
 - (g) Site data, including numbers of residential lots, typical lot size, and acres in parks, etc.
 - (h) Subdivision name and title (under which to be eventually recorded); also scale, north point, date and name of subdivider and designer.

(i) Street-lighting layout.

- (3) The development layout shall include, when required by the Board, profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross-sections of the proposed grading, roadway and sidewalk; development designs of any bridges and culverts which may be required; development plan of proposed water mains to connect with existing public water supply, or alternative means of water supply approved by the Erie County Health Department; development plan of proposed sanitary sewers (with grades and sizes indicated) connecting with existing sanitary sewerage systems, or alternative means of treatment and disposal approved by the Erie County Health Department; development plan for collecting and discharging storm drainage. All elevations shall be based on a datum plane approved by the Engineer (U.S.G.S. recommended).
- (4) Draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development shall be submitted.
- (5) Applications for rezoning shall be submitted if such rezoning is necessary.

B. Final subdivision plat (final approval).

- (1) Subdivision plat [five (5) copies] shall be printed on linen or canvas-backed paper drawn with pen and India ink upon tracing cloth and must be either eight and one-half by eleven ($8\frac{1}{2} \times 11$) inches, seventeen by twenty-two (17×22) inches, or twenty-two

by thirty-four (22 x 34) inches, thirty-four by forty-four (34 x 44) inches in size. The scale shall be one hundred (100) feet to the inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the plat may be submitted for approval progressively in contiguous sections satisfactory to the Board. The plat shall show the following:

- (a) Primary control points, approved by the Engineer, or descriptions and 'ties' to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- (b) Tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
- (c) Street names and right-of-way width of each street or other right-of-way.
- (d) Easement location, dimensions and purposes of any easements.
- (e) Number to identify each lot or site in numerical order.
- (f) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (g) Building setback line on all lots and other sites.
- (h) Location and description of monuments, lot corner markers and bench marks.
- (i) Certification by registered land surveyor (including name, address, New York State license number and seal) certifying to accuracy of survey and plat.

(j) Water-supply and sewage-disposal arrangements, with details and certification of approval by Erie County Health Department. Where any water or sewer line, water plant or sewage-treatment plant is to be installed by developer outside existing districts, the organization or enlargement of a water district and/or sewer district may be required.

(k) Title, scale, north point and date.

(2) Before final approval of the plat, there shall be filed with the town:

(a) Cross sections and profiles of streets, drains and sewers showing grades approved by the Town. The profiles shall be drawn to standard scales and elevations and shall be based on a datum plan approved by the Engineer (U.S.G.S. recommended).

(b) Statement by the subdivider or subdivider's engineer that the subdivider has substantially complied with one (1) of the following alternatives:

[1] All improvements have been installed in accord with the requirements of these regulations and with the action of the Board giving conditional approval of the development layout, or

[2] A bond or certified check has been posted, which is available to the Town in sufficient amount to assure such completion of all required improvements.

(c) Offers of cession by owner dedicating streets, rights-of-way and any sites for public uses; and

agreements covering the improvement and maintenance of unceded public spaces and the conditions and time limits, if any, applying to site reservations.

- (d) Approval by the Town Attorney of all offers of cession, all covenants governing the maintenance of unceded public open space, and any action taken to establish or extend water and/or sewer districts; also approving the form of any bond offered in lieu of the completion of required subdivision improvements.
- (e) Protective covenants in form for recording, including covenants governing the maintenance of unceded public spaces or reservations.
- (f) Such other certificates, affidavits, endorsements or other agreements as may be required by the Board in the enforcement of these regulations. In special cases where there are potential hazards of flooding, dangers from mining operations or other hazards, in the opinion of the Town, the Town may require the services of an independent engineer or expert to recommend conditions under which the subdivision may be approved. The expense of such engineer or expert shall be borne by the subdivider.
- (g) Record plan. Offer or agreement to provide two (2) copies of a certified record-plan map of all water lines including valves as installed when in a water district or proposed water district subject to the approval of the Water Superintendent.

§ 7. Variances.

A. Hardship.

- (1) Where the Board finds that because of unusual cir-

circumstances of shape, topography or other physical features of the subdivision tract, or because of the nature of adjacent development, extraordinary hardships may result from the strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that no such variation shall be granted which will have the effect of nullifying the intent and purpose of the Master Plan of the Erie County Sanitary Code or of these regulations.

B. Large-scale development.

- (1) The standards and requirements of these regulations may be modified by the Board in the case of a plan and program for complete community, or a neighborhood unit, which in the judgment of the Board provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity with and achievement of the plan.

C. Open development areas.*

Amended 4/12/2000

- (1) ~~Where the Town Board, in accordance with the provisions of Section 280-a of the Town Law, and after receiving the report of the Planning Board, has established an "open development area," the foregoing subdivision regulations shall apply except as hereinafter modified.~~
 - (a) ~~Procedure. The provisions of § 3 of these regulations shall apply as in any other case, except that~~

* This procedure is considered by some to have advantages for developers who wish to retain private control over streets and, presumably but not necessarily, avoid or postpone the filing of a plat. It should never be authorized to encourage or justify a substandard development.

§ 3C shall not apply if the applicant proposes to sell parcels only by metes and bounds, and does not file a Subdivision plat.

(b) Design standards. The provisions of § 4 shall apply except that § 4E thereof shall be waived where streets are not dedicated and accepted as public streets, but where private rights-of-way or access easements are provided to serve all lots.

(c) Required improvements. The provisions of § 5 shall apply except that Subsections (13) to (18), inclusive, of Standard C shall be waived as long as:

[1] Streets remain under private control and are not offered for dedication as public streets, and

[2] Acceptable all-weather roadway surface at least twenty (20) feet wide plus two (2) shoulders each at least eight (8) feet wide are maintained on each private street.

The Town may require suitable covenants and/or other agreements whereby, in the event of failure of private maintenance, the streets may be taken over as town highways and the cost of improving same may be charged against abutting property.

(d) Plans and data. The provisions of § 6 shall apply except that § 6B shall not apply if the applicant proposes to sell parcels only by metes and bounds and does not file a subdivision plat.

D. Conditions.

- (1) In granting variances and modifications, the Board may require such conditions as will, in its judgment,

secure substantially the objectives of the standards or requirements so varied or modified.

E. Four lots on existing street.

- (1) A parcel of land described by deed description filed with the Erie County Clerk prior to August 12, 1954, which parcel has not been subsequently subdivided, may be subdivided into not more than four (4) building lots without formal application or subdivision plat under the following conditions:
 - (a) All lots created by such subdivision shall front on existing public roads or highways and shall conform in all respects to the Clarence Zoning Ordinance, the rules and regulations of the Erie County Board of Health and all applicable state, county and town laws and ordinances.
 - (b) Any such subdivision shall conform to the established general plan for the development of the neighborhood, and with any official map or comprehensive development plan which may be adopted by the town and county.
 - (c) Any such subdivision shall be shown on a survey prepared by a licensed surveyor or professional engineer. Said survey shall show any established waterways or drainage paths and shall clearly indicate that such drainage paths will be preserved.

F. Unrecorded subdivision plat lots.

- (1) The Zoning Officer shall deny any building permits for construction on any lot which is not shown on a subdivision plat filed in the office of the Erie County Clerk except as provided in § 7E.

- (2) Any person aggrieved by such denial may request a review by the Planning Board. He shall furnish deeds, survey, maps and such other evidence as may be necessary to prove conformance with these regulations. Following a review of this evidence and any other evidence presented at the hearing, the Planning Board may conform or reverse the action of the Zoning Officer.

Adopted
~~DRAFT~~ April 12, 2000

Section 193-8 Open Development Areas
Proposed Amendment to the Subdivision Regulations
(This section will replace Section 193-7(c) Open Development Areas)

A. Purpose and Intent:

1. Pursuant to Section 280-a of Town Law, the Town Board, in order to maintain the rural character of the Town and to provide relief to landowners that wish to subdivide land which lacks adequate road frontage for standard lot development or for more efficient utilization of rear yard space, may by resolution, establish an open development area or areas within the Town.

B. Requirements:

1. The maximum number of lots in any open development area shall be four (4).
2. There shall be a minimum of a one hundred foot (100') separation along the public road between the access road to an open development and any existing or proposed driveway. This condition will encourage efficient land use by eliminating exception lots and future frontage lots adjoining the open development.
3. The minimum lot size in an open development area shall be two (2) acres each. No home may be built closer than one hundred fifty (150) feet from a public road right-of-way and forty-five (45) feet from a private drive. The minimum width shall be two hundred (200) feet at the setback line. All other setback regulations and lot coverage requirements for the zoning district in which the open development area is located shall apply.
4. The roadway for an open development area shall have a minimum right-of-way width of thirty-six (36) feet. The paved surface shall consist of a minimum width of twenty (20) feet of blacktop or concrete, built to Town Highway specifications, requiring a minimum of a twelve (12) inch stone base to access all created lots.
5. The roadway shall not be used for any more than four (4) single-family homes. An access and maintenance agreement acceptable to the Town must be in place prior to final approval for all lots in the development.
6. Domestic water shall be provided via a minimum 2" waterline with the final size to be determined by the Town Engineer and acceptable by the authorities with jurisdiction. Fire protection shall be provided via an 8" dry line and fire hydrant built to Town specifications. Sprinkler systems shall be recommended in all homes in an open development area.
7. No principal building within an open development area shall contain less than one thousand five hundred (1,500) square feet for a one story structure and two thousand (2,000) square feet for a two story structure. The maximum lot

coverage shall be twenty (20) percent for the principal building footprint.

8. Only one single-family home per lot may be allowed in an open development area.
9. All other zoning requirements of the zone in which the open development area is approved shall be met.
10. The Planning Board may request engineering plans, if there are major land development concerns or other unusual circumstances.
11. Any open development area, if approved, shall expire two years from the date of development plan approval if major construction has not commenced. Major construction consists of infrastructure such as roads, waterline, and other improvements.
12. Erie County Health Department must approve the plans for waste water management and the potable water line prior to Town Board approval for any open development area.
13. All recreation and open space fees apply in any open development area.
14. Any open development area application must be evaluated under the State Environmental Quality Review Act requirements.
15. All other applicable parts of this subdivision law (Section L.L. 193) shall apply.

